

**STATEMENT OF KAREN TAYLOR-GOODRICH, ASSISTANT DIRECTOR,  
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DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON  
NATIONAL PARKS OF THE HOUSE SUBCOMMITTEE ON REGULATORY  
AFFAIRS, ON THE RULEMAKING PROCESS AT THE NATIONAL PARKS  
SERVICE GOVERNING PERSONAL WATERCRAFT USE, PARTICULARLY  
THE STATUS OF INDIVIDUAL RULEMAKINGS.**

**March 15, 2006**

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Ms. Chairman and Members of the subcommittee, thank you for holding this oversight hearing on personal watercraft (PWC) use in the National Park System.

Providing for the enjoyment of park resources and values is part of the fundamental purpose of all units of the National Park System. The desire to provide access to park resources is the reason roads, accommodations, and recreational facilities have been built in national parks. It is also the reason that we continuously seek ways to provide appropriate recreation opportunities and to improve the experience for all our visitors.

Among the types of recreational uses currently permitted in national parks, personal watercraft use became popular in the 1980s. Since that time, personal watercraft use has occurred at some level in approximately 32 of the 87 areas of the National Park System that allow motorized boating.

The National Park Service (NPS) has grouped personal watercraft with all other vessels. Historically, people could use personal watercraft within a unit when special regulations published within the Superintendents Compendium allowed the use of other vessels. By the late 1990s, 87 park units allowed motorized boating, including PWCs, and the NPS

had specifically addressed personal watercraft use at only seven of those units. Through the implementation of horsepower restrictions, general management plan revisions, and park specific regulations, the NPS had prohibited use at Yellowstone and Everglades National Parks and had restricted use in four other units.

Given the wide variety of park units, the appropriateness of a given recreational activity will vary from park to park. An appropriate use of a park is based, first, on the mandated purposes established by individual parks enabling legislation, as well as the sensitivity of the resources, values, and visitor access. Due to these differences, the NPS Management Policies recognize that an activity that is entirely appropriate when conducted in one location may be inappropriate if conducted in another.

In 1998, the Bluewater Network filed a petition urging the NPS to initiate a rulemaking process to prohibit personal watercraft use throughout the entire national park system. In response to the petition, NPS conducted an analysis of each of the original 87 sites, examining the enabling legislation, resource sensitivity, values, and visitor access. In May 2000, the NPS published a final regulation identifying 21 units of the National Park System that could consider continued PWC use. The service-wide regulation (36 C.F.R. 3.24) states that PWC use may only be designated at the 21 units identified in the regulation. The final rule gave park managers until September 2002 to determine whether to pursue a new rulemaking procedure to continue to allow PWC use in each unit.

In August of 2000, the NPS negotiated a settlement agreement with the Bluewater Network and its parent organization, The Earth Island Institute. The settlement agreement was in response to a lawsuit that challenged the above NPS decision to allow continued personal watercraft use in 21 units while prohibiting personal watercraft use in other units. The settlement agreement specified that there would be no PWC use within any unit of the National Park System after September 15, 2002, without a comprehensive environmental analysis and a rule allowing that use in the unit. Under the requirements of the settlement agreement, each environmental analysis must, at a minimum, evaluate personal watercraft regarding eight resource topics: impacts on water quality, air quality, sound, wildlife, wildlife habitat, shoreline vegetation, visitor conflict, and visitor safety.

Of the 21 units originally considered in the service-wide rule for continued PWC use, five units have made an administrative determination not to complete the rulemaking process to allow PWCs. This determination was based on an assessment of a unit's legislative history, regulatory authorities, and the required analysis of sound, air quality, wildlife safety concerns, visitor use, and the purpose for the park as described in its authorizing legislation. Each determination was made with public participation, including public meetings and participation by advisory commissions and state and local governments.

Ten of the 15 remaining parks have completed the rulemaking process and are open for PWC use. The remaining five parks are in the process of complying with the National Environmental Policy Act (NEPA) and promulgating regulations. The final rule for Gulf

Islands National Seashore is currently under final signature review and should be published in the Federal Register in the very near future. The final rule for Cape Lookout National Seashore should be published before the summer season. The final rules for Gateway National Recreation Area and Curecanti National Recreation Area should be published during mid-summer of 2006. Big Thicket National Preserve is finishing their NEPA work and, upon completion, will promulgate rulemaking immediately.

Since 2000, the NPS has devoted substantial resources to the study of appropriate methods of managing personal watercraft in units of the National Park System. The laws and policies applicable to the management of the National Park System afford the NPS broad discretion and mandate no single method for satisfying our responsibility to protect park resources. The NPS can use a variety of administrative tools, including visitor education, increased enforcement, regulatory measures such as seasonal closures or flat wake zones, and use limits (numerical caps or those related to time-of-day) to manage personal watercraft use. None of the alternatives selected by the NPS included findings that use of PWCs under that alternative would cause significant environmental impacts.

By utilizing these management strategies, units such as Lake Mead and Glen Canyon National Recreation Areas continue to be known as premier locations for water-based recreation. For example, the Lake Mead National Recreation Area (NRA) Lake Management Plan (NPS 2002) established a lake carrying capacity, implemented management zoning to separate recreational activities, and is incorporating a phase-in of cleaner engine technologies. Lake Mead NRA has also made a significant investment to

support boating education with the construction of the Boating Education Center. This contemporary classroom facility is available to all organizations that offer courses on boating safety.

In Glen Canyon National Recreation Area (NRA), PWCs continue to be a very popular recreational activity and their use has increased 12 percent since 2001. Glen Canyon NRA continues to conduct and implement the various studies identified in the Final Rule for Personal Watercraft Use in Glen Canyon National Recreation Area (May 2003). This information will allow management the ability to apply adaptive management principles to areas on Lake Powell to maximize a positive and safe experience for all park visitors.

In those areas where PWC use is allowed, the parks rely heavily on our partners in the gateway communities to educate visitors and encourage responsible and safe use of PWCs in our parks. The NPS also relies on industry to develop new technologies that may help parks balance visitor use and resource conservation.

In conclusion, the NPS is dedicated to improving recreation opportunities for all park visitors and will continue to seek to provide opportunities to the public, including PWC users, where appropriate.

Thank you, Ms. Chairman, for inviting the NPS to testify on the use of personal watercraft in the National Park System. I would be happy to answer any questions you or any Members of the subcommittee may have.